

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

In Re: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO:

State of Montana v. Abbott Labs., Inc., et al., D.  
Mont. Cause No. CV-02-09-H-DWM (the  
"Montana Action")

State of Nevada v. Abbott Labs., Inc., et al., D.  
Nev. Cause No. CV-N-02-0080-ECR (the  
"Nevada I Action")

State of Nevada v. American Home Products  
Corp., et al., D. Nev. Cause No. CV-N-02-0202-  
ECR (the "Nevada II Action")

FILED/D  
IN CLERK'S OFFICE

'02 DEC -5 P5:53

U.S. DISTRICT COURT  
MDL NO. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

**STIPULATION AND PROPOSED ORDER TO EXTEND TIME**

All plaintiffs and all defendants in the above captioned actions, by and through the undersigned counsel, respectfully present the following stipulation and request that the stipulation be entered as an order.

WHEREAS, on January 17, 2002 and March 8, 2002, the State of Nevada, through its Attorney General, filed complaints in the Second Judicial District Court in and for Washoe County Nevada (respectively, the "Nevada I Action" and the "Nevada II Action"); and on February 25, 2002, the State of Montana, through its Attorney General, filed a complaint in the First Judicial District Court of the State of Montana for Lewis and Clark County (the "Montana Action");

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WHEREAS, on February 15, 2002, defendant GlaxoSmithKline Corporation ("GSK") removed the Nevada I Action; on April 17, 2002, defendant AstraZeneca Pharmaceuticals L.P. removed the Nevada II Action; and on April 15, 2002, GSK removed the Montana Action;

WHEREAS, plaintiffs in the Nevada I, Nevada II, and Montana Actions filed motions to remand on March 7, 2002, May 10, 2002, and May 15, 2002, respectively;

WHEREAS, on May 31, 2002 the Judicial Panel on Multidistrict Litigation (the "Panel") issued a conditional transfer order transferring the Montana Action to this Court for consolidated pretrial proceedings, and on June 26, 2002, the Panel issued a conditional transfer order transferring the Nevada Actions to this Court for consolidated pretrial proceedings;

WHEREAS, on October 16, 2002, the Panel denied plaintiffs' motions to vacate the conditional transfer orders and transferred the Montana and Nevada Actions to this Court;

WHEREAS on November 22, 2002, plaintiffs in the Montana and Nevada Actions filed new motions to remand before this Court;

WHEREAS, under Local Rule 7.1, defendants must serve and file oppositions to the motions to remand by December 6, 2002;

WHEREAS, the parties have conferred and have agreed to stipulate to a briefing schedule on the motions to remand under which defendants shall serve and file oppositions to the motions to remand by December 27, 2002 and plaintiffs shall serve and file reply papers by January 6, 2003;

WHEREAS, it is more efficient for the judiciary and the parties if the motions to remand are decided before defendants are required to respond to the complaints in the Montana and Nevada Actions;

WHEREAS, the parties have conferred and have agreed to stipulate to extending each defendant's time to respond to the complaints in the Montana and Nevada Actions to forty-five (45) days after service of this Court's decision on plaintiffs' motions to remand;

THEREFORE, the parties respectfully request that this Court enter the parties' proposed order: (i) extending the date by which defendants must serve and file opposition papers to plaintiffs' motions to remand to December 27, 2002; (ii) extending the date by which plaintiffs must serve and file reply papers in support of their motions to remand to January 6, 2003; and (iii) extending each defendant's obligation to respond to the complaints in the Montana and Nevada Actions to forty-five (45) days after service of this Court's decision on plaintiffs' motions to remand.

The undersigned attorney for defendant AstraZeneca Pharmaceuticals L.P. has been authorized to request this extension on behalf of all defendants in the Montana and Nevada Actions, and it is stipulated by the parties that the extension will be granted to all defendants.

Respectfully Submitted,

PLAINTIFFS' LEAD COUNSEL

ON BEHALF OF ALL PLAINTIFFS

By: 

DATED: December 5, 2002

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ON BEHALF OF ALL DEFENDANTS

By: *Juliet S. Sorensen*

DATED: December 5, 2002

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**ABBOTT LABORATORIES**

**AMERICAN HOME PRODUCTS CORPORATION**

**AMGEN INC.**

**ASTRAZENECA PHARMACEUTICALS L.P.**

**AVENTIS PHARMACEUTICALS, INC.**

**BAXTER INTERNATIONAL, INC.**

**BAYER CORP.**

**BRISTOL-MYERS SQUIBB CO.**

**CHIRON**

**DEY, INC.**

**ELI LILLY & COMPANY**

**SMITHKLINE BEECHAM CORPORATION, D/B/A GLAXOSMITHKLINE**

**IMMUNEX CORPORATION**

**PHARMACIA CORPORATION; PHARMACIA & UPJOHN, INC.**

**SCHERING-PLOUGH CORPORATION; WARRICK PHARMACEUTICALS  
CORPORATION**

**TAP HOLDINGS INC.**

**ORDER**

IT IS HEREBY ORDERED THAT (i) defendants must serve and file opposition papers to Plaintiffs' motions to remand the Montana and Nevada Actions by December 27, 2002; (ii) plaintiffs must serve and file reply papers in support of their motions to remand by January 6, 2003; (iii) each defendant in the Montana and Nevada Actions shall respond to the complaints forty-five (45) days after service of this Court's decision on plaintiff's motions to remand.

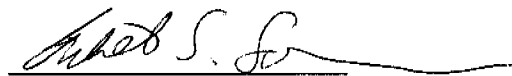
Dated: December \_\_, 2002

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Patti B. Saris  
United States District Judge

**CERTIFICATE OF SERVICE**

I certify that on December 5, 2002, a true and correct copy of the foregoing stipulation was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

A handwritten signature in cursive script, appearing to read "Juliet S. Sorensen", is written over a horizontal line.

Juliet S. Sorensen